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COMPLIANCE WITH ARMS LIMITATION AND DISARMAMENT OBLIGATIONS

Report of the First Committee

Rapporteur: Mr. Rajab SUKAYRI (Jordan)

I. INTRODUCTION

1. The item entitled "Compliance with arms limitation and disarmament obligations" was included in the provisional agenda of the fiftieth session of the General Assembly in accordance with Assembly resolution 48/63 of 16 December 1993.

2. At its 3rd plenary meeting, on 22 September 1995, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 2nd meeting, on 12 October 1995, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 57 to 78, 80 and 81. The deliberations on those items took place at the 3rd to 11th meetings, from 16 to 20 and on 25 and 26 October 1995 (see A/C.1/50/PV.3-11). Structured discussions of specific subjects within the adopted thematic approach were held from 30 October to 3 November. Consideration of draft resolutions on the items took place at the 13th to 17th meetings, from 6 to 9 November (see A/C.1/50/PV.13-17). Action on the draft resolutions was taken at the 18th to 29th meetings, on 10, 13 to 17, 20 and 21 November (see A/C.1/50/PV.18-29).

4. In connection with item 57, the First Committee had before it the following documents:

** Second reissue for technical reasons.

(a) Letter dated 1 June 1995 from the Permanent Representative of Ecuador to the United Nations addressed to the Secretary-General (A/50/210);

(b) Letter dated 14 June 1995 from the Permanent Representative of Peru to the United Nations addressed to the Secretary-General (A/50/223);

(c) Letter dated 19 June 1995 from the Permanent Representative of Canada to the United Nations addressed to the Secretary-General transmitting the final documents of the summit meeting of seven major industrialized countries, held at Halifax, Canada, from 15 to 17 June 1995 (A/50/254-S/1995/501);

(d) Letter dated 16 June 1995 from the Permanent Representative of Ecuador to the United Nations addressed to the Secretary-General (A/50/258);

(e) Note verbale dated 22 June 1995 from the Permanent Mission of Chile to the United Nations addressed to the Secretary-General (A/50/272);

(f) Letter dated 8 September 1995 from the Permanent Representative of Ecuador to the United Nations addressed to the Secretary-General transmitting the Final Declaration of the Ninth Meeting of Heads of State and Government of the Rio Group, held at Quito on 4 and 5 September 1995 (A/50/425-S/1995/787).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.1/50/L.42 AND REV.1

5. On 6 November, Argentina, Australia, Austria, Belgium, Bolivia, Bulgaria, Cameroon, Canada, Chile, Costa Rica, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Madagascar, Malta, the Marshall Islands, Nepal, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Rwanda, Senegal, Singapore, Slovakia, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela and Zambia submitted a draft resolution entitled "Compliance with arms limitation and disarmament agreements" (A/C.1/50/L.42), which was later also sponsored by Bangladesh, Cyprus, Georgia, Israel, Kazakstan, Malaysia and Monaco.

6. On 10 November, Iran (Islamic Republic of), Myanmar and Pakistan submitted amendments (A/C.1/50/L.55) to draft resolution A/C.1/50/L.42, as follows:

(a) The seventh, eighth and ninth preambular paragraphs were to be replaced with the following:

> Recognizing, in this context, that full compliance by parties with all provisions of existing agreements and resolving compliance concerns effectively through procedures provided in such agreements can, inter alia, facilitate the conclusion of additional arms limitation and disarmament agreements,

Believing that compliance with all provisions of arms limitation and disarmament agreements by States parties is a matter of interest and concern to all members of the international community, and noting the role that the United Nations has played and should continue to play in that regard,

Convinced that resolution of non-compliance questions that have arisen with regard to arms limitations and disarmament obligations through procedures provided in relevant agreements would contribute to better relations among States and the strengthening of world peace and security;

(b) Operative paragraphs 1, 2, 3, 4 and 5 were to be replaced with the following:

1. Urges all States parties to arms limitation and disarmament agreements to implement and comply with the entirety of the spirit and provisions of such agreements, including those related to transfer of technology and peaceful use;

2. Calls upon all States parties to give serious consideration to the implication that non-compliance with any provision of arms limitation and disarmament obligations has for international security and stability, as well as for the prospects for further progress in the field of disarmament;

3. Also calls upon all States parties to support efforts aimed at the resolution of non-compliance questions through procedures provided for in relevant agreements, with a view to encouraging strict observance by all parties of the provisions of arms limitation and disarmament agreements and maintaining or restoring the integrity of such agreements;

4. Welcomes the role that the United Nations has played in fostering negotiations on certain arms limitation and disarmament agreements;

5. Requests the Secretary-General to continue to provide any assistance that may be necessary in fostering negotiations on arms limitation and disarmament agreements.

7. On 17 November, the sponsors of draft resolution A/C.1/50/L.42 submitted a revised draft resolution (A/C.1/50/L.42/Rev.1), which contained the following changes:

(a) The seventh preambular paragraph, which had read:

Recognizing, in this context, that full compliance by parties with existing agreements and the resolving of compliance concerns effectively can, inter alia, facilitate the conclusion of additional arms limitation and disarmament agreements,

was revised to read:

Recognizing, in this context, that full compliance by parties with all provisions of existing agreements and the resolving of compliance concerns effectively by means consistent with such agreements and international law can, inter alia, facilitate the conclusion of additional arms limitation and disarmament agreements, and thereby contribute to better relations among States and the strengthening of world peace and security;

(b) The ninth preambular paragraph, which had read as follows, was deleted:

Convinced that resolution of non-compliance questions that have arisen with regard to arms limitations and disarmament obligations would contribute to better relations among States and the strengthening of world peace and security;

(c) In the second line of operative paragraph 1, the world "all" was inserted before the words "provisions of";

(d) In the second line of operative paragraph 2, the words "any provisions of" were inserted before the words "arms limitation and";

(e) Operative paragraph 3, which had read:

Also calls upon all Member States to support efforts aimed at the resolution of non-compliance questions, with a view to encouraging strict observance by all parties of the provisions of arms limitation and disarmament agreements and maintaining or restoring the integrity of such agreements;

was revised to read:

Also calls upon all Member States to support efforts aimed at the resolution of compliance questions by means consistent with such agreements and international law, with a view to encouraging strict observance by all parties of the provisions of arms limitation and disarmament agreements and maintaining or restoring the integrity of such agreements;

(f) In the second line of operative paragraph 4, the words ", and fostering negotiations on," were inserted before the words "certain arms limitation".

8. At the 27th meeting, on 20 November, the representative of the United States of America introduced the revised draft resolution and orally revised it as follows: in the first line of the eighth preambular paragraph, the words "all provisions of" were inserted before the words "arms limitation and".

9. At the same meeting, the representative of Myanmar, on behalf of the sponsors of the amendments contained in document A/C.1/50/L.55, stated that they would not press the amendments to action.

10. Also at the same meeting, the Committee adopted revised draft resolution A/C.1/50/L.42/Rev.1, as orally revised, without a vote (see para. 11).

III. RECOMMENDATION OF THE FIRST COMMITTEE

11. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Compliance with arms limitation and disarmament agreements

The General Assembly,

Recalling its resolution 48/63 of 16 December 1993 and other relevant resolutions on the question,

Recognizing the abiding concern of all Member States for maintaining respect for rights and obligations arising from treaties and other sources of international law,

Convinced that observance of the Charter of the United Nations, relevant treaties and other sources of international law is essential for the strengthening of international security,

Mindful, in particular, of the fundamental importance of full implementation and strict observance of agreements and other obligations on arms limitation and disarmament if individual nations and the international community are to derive enhanced security from them,

Stressing that any violation of such agreements and other obligations not only adversely affects the security of States parties but can also create security risks for other States relying on the constraints and commitments stipulated in those agreements and other obligations,

Stressing also that any weakening of confidence in such agreements and other obligations diminishes their contribution to global or regional stability and to further disarmament and arms limitation efforts and undermines the credibility and effectiveness of the international legal system,

Recognizing, in this context, that full compliance by parties with all provisions of existing agreements and the resolving of compliance concerns effectively by means consistent with such agreements and international law can, inter alia, facilitate the conclusion of additional arms limitation and disarmament agreements, and thereby contribute to better relations among States and the strengthening of world peace and security,

Believing that compliance with all provisions of arms limitation and disarmament agreements by States parties is a matter of interest and concern to all members of the international community, and noting the role that the United Nations has played and should continue to play in that regard,

Welcoming the universal recognition of the critical importance of the question of compliance with and verification of arms limitation and disarmament agreements and other obligations,

1. Urges all States parties to arms limitation and disarmament agreements to implement and comply with the entirety of the spirit and all provisions of such agreements;

2. Calls upon all Member States to give serious consideration to the implications that non-compliance with any provisions of arms limitation and disarmament obligations has for international security and stability, as well as for the prospects for further progress in the field of disarmament;

3. Also calls upon all Member States to support efforts aimed at the resolution of compliance questions by means consistent with such agreements and international law, with a view to encouraging strict observance by all parties of the provisions of arms limitation and disarmament agreements and maintaining or restoring the integrity of such agreements;

4. Welcomes the role that the United Nations has played in restoring the integrity of, and fostering negotiations on, certain arms limitation and disarmament agreements and in the removal of threats to peace;

5. Requests the Secretary-General to continue to provide assistance that may be necessary in restoring and protecting the integrity of arms limitation and disarmament agreements;

6. Encourages efforts by States parties to develop additional cooperative measures, as appropriate, that can increase confidence in compliance with existing arms limitation and disarmament obligations and reduce the possibility of misinterpretation and misunderstanding;

7. Notes the contribution that verification experiments and research can make and already have made in confirming and improving verification procedures for arms limitation and disarmament agreements under study or negotiation, thereby providing an opportunity, from the time that such agreements enter into force, for enhancing confidence in the effectiveness of verification procedures as a basis for determining compliance;

8. Decides to include in the provisional agenda of its fifty-second session the item entitled "Compliance with arms limitation and disarmament obligations".